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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,208	01/23/2002	Joerg Bischof	CH920000005	5051

7590 08/19/2005

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EXAMINER
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LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/055,208	Applicant(s) BISCHOF ET AL.	
	Examiner Cheryl Lewis	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-28 are presented for examination.

### **DRAWINGS**

2. The drawings filed on March 5, 2002 are accepted by the Examiner.

### **PRIORITY**

3. Applicant has complied and receives the benefit of priority of an earlier filing date under 35 U.S.C. 119(a-d) to European Patent Application 01104203.3 filed February 22, 2001.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 10 is rejected under 35 U.S.C. 101 because claim 10 is directed to a system for executing nested transactions in an execution environment supporting a flat transaction only which is an abstract idea or the mere manipulation of an abstract idea.

6. The claimed invention is directed to non-statutory subject matter because according to claim 10 the language of the claim raises a question as to whether the claim is directed to an abstract idea that is not tied to a technological art. According to the claim "A system for executing a nested transaction in an execution environment

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supporting a flat transaction only, and wherein a nested transaction encapsulates between a first StartTransaction operation and a corresponding first EndTransaction operation” is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable. It appears that the claimed “system” performs a checking process to determine whether a start transaction operation is to be done on a first nesting level of a hierarchy, likewise another determination is made in order to perform a start transaction within the first level of the hierarchy, in an effort to produce a sub transaction, these transactions are believed to be non-functional descriptive material.

Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are more complex to analyze. If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process. In practical terms, claims define nonstatutory processes if they:

- consist solely of mathematical operations without some claimed practical application (i.e, executing a “mathematical algorithm”); or

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- simply manipulate abstract ideas, e.g., a bid (Schrader, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

Claim 10 is not limited to tangible embodiments. To overcome this type of 101 rejection the claim needs to be amended to include only tangible embodiments (e.g., computer, computer readable media, memory, etc.).

The examiner suggests the applicant consider amending the preamble of the claim to state a "computer implemented" system in an effort to overcome the 101 rejection.

### ***Allowable Subject Matter***

7. Claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6-8, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (Pat. No. 5,878,206 filed March 25, 1997, hereinafter Chen).

10. Regarding Claims 1 and 10-12, Chen teaches a commit scope control in hierarchical information processes.

The method and associated system for a commit scope control in hierarchical information processes as taught or suggested by Chen includes:

checking whether the start transaction operation is on the first nesting level of the nested transaction (col. 1, lines 19-33, col. 4, lines 10-22), and issuing a corresponding start transaction operation within the execution environment only in the affirmative case (col. 1, lines 19-33, col. 4, lines 10-22).

11. Regarding Claim 2, Chen teaches checking, in case an end transaction operation is a commit transaction operation successfully terminating a transaction, whether an end transaction operation is on the first nesting level of the nested transaction and issuing a corresponding commit transaction operation within the execution environment only in the affirmative case (col. 1, lines 37-54, col. 2, lines 16-29).

12. Regarding Claim 3, Chen teaches performing an end transaction operation in case an end transaction operation is a rollback transaction aborting a transaction as unsuccessful, by issuing a corresponding rollback transaction operation with the execution environment independent from the nesting level (col. 2, lines 54-61, col. 5, lines 33-59 and 64-67, col. 6, lines 1-57, col. 7, lines 10-18).

13. Regarding Claim 4, Chen teaches once a rollback transaction has been executed within the nested transaction, any further start transaction operation or any further end transaction operation within the nested transaction independent from the nesting level by rejecting it as being in error without issuing a corresponding start transaction

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operation or a corresponding end transaction operation to the execution environment (col. 2, lines 54-61, col. 5, lines 33-59 and 64-67, col. 6, lines 1-57, col. 7, lines 10-18).

14. Regarding Claim 6, Chen teaches the means which essentially comprises the same means as a facade library (col. 3, lines 66-67, col. 4, lines 1-11) a data base system (col. 3, lines 33-42), and a façade library provides access from an object oriented environment to a relational database system (col. 3, lines 33-42 and 66-67, col. 4, lines 1-11, col. 11, lines 24-38 and 66-67, col. 12, lines 1-11).

15. Regarding Claim 7, Chen teaches façade library comprises a store object class providing access to database system and store object class providing start transaction operation (col. 3, lines 33-42 and 66-67, col. 4, lines 1-11, col. 5, lines 33-59 and 64-67, col. 6, lines 1-57, col. 11, lines 24-38 and 66-67, col. 12, lines 1-11).

16. Regarding Claim 8, the limitations of this claim has been noted in the rejections of claims 1 and 4 above. It is therefore rejected as set forth above.

## **CONCLUSION**

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A. Fouquet (U.S. Pat. No. 6,272,515 B1) discloses a method of scheduling distributed transactions;

B. Rich et al. (U.S. Pat. No. 6,457,065 B1) discloses a transaction-scoped replication for distributed object systems;

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C. Cote et al. (U.S. Pat. No. 6,785,865 B1) discloses discoverability and navigation of hyperlinks via tabs;

D. Schmonsees (U.S. Pat. No. 6,675,213 B1) discloses electronic note taking from network web pages;

E. Anfindsen (U.S. Pat. No. 6,751,617 B1) discloses a method, system, and data structures for implementing nested databases;

F. Kanai et al. (U.S. Pat. No. 5,778,179) discloses a system for flexible distributed processing and transaction processing suitable for nested transaction;

G. Moser et al. (U.S. Pat. No. 6,922,792 B2) discloses a fault-tolerance for computer programs that operate over a communication network;

H. Maddalozzo, Jr. et al. (U.S. Pat. No. 6,633,316 B1) discloses a method and apparatus for implementing direct link selection of cached, previously visited links in nested web pages; and

I. Gervais et al. (U.S. Pat. No. 6,381,579 B1) discloses a system and method to provide secure navigation to resources on the internet.

#### **NAME OF CONTACT**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on (571) 272-4113 from 6:30 to 3:00.

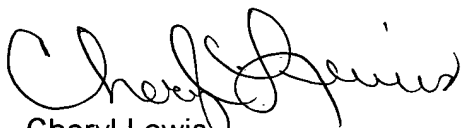
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
August 16, 2005